

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 807

Introduced by Assembly Member Solorio

February 17, 2011

An act to amend Section 1808.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 807, as amended, Solorio. Vehicles: pull-notice system: driver reports.

Existing law requires an employer of a driver who drives a specified vehicle, including a vehicle for which the driver is required to have a class A or B license, to participate in a pull-notice system, for the purpose of providing the employer with a report, and an additional periodic report every 12 months, that shows, among other things, the driver's current public record as recorded by the Department of Motor Vehicles. Existing law requires that ~~these~~ *those* reports be presented upon request or upon demand, as applicable, to an authorized representative of the Department of the California Highway Patrol during regular business hours.

This bill would require that ~~these~~ *a taxicab transportation service, as specified, also receive those reports and that the reports be* ~~also~~ presented upon request or upon demand, as applicable, to an authorized representative of the administrative agency responsible for issuing permits to taxicab transportation services during regular business hours.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1808.1 of the Vehicle Code is amended to read:

1808.1. (a) The prospective employer of a driver who drives a vehicle specified in subdivision (k) *or a driver of a taxicab transportation service as described pursuant to subdivision (a) of Section 53075.5 of the Government Code* shall obtain a report showing the driver's current public record as recorded by the department. For purposes of this subdivision, a report is current if it was issued less than 30 days prior to the date the employer employs the driver. The report shall be reviewed, signed, and dated by the employer and maintained at the employer's place of business until receipt of the pull-notice system report pursuant to subdivisions (b) and (c). These reports shall be presented upon request, during regular business hours, to an authorized representative of the Department of the California Highway Patrol or to an authorized representative of the administrative agency responsible for issuing permits to taxicab transportation services pursuant to Section 53075.5 of the Government Code.

(b) The employer of a driver who drives a vehicle specified in subdivision (k) shall participate in a pull-notice system, which is a process for the purpose of providing the employer with a report showing the driver's current public record as recorded by the department, and any subsequent convictions, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege or certificate, added to the driver's record while the employer's notification request remains valid and uncanceled. As used in this section, participation in the pull-notice system means obtaining a requester code and enrolling all employed drivers who drive a vehicle specified in subdivision (k) under that requester code.

(c) The employer of a driver of a vehicle specified in subdivision (k) *or a driver of a taxicab transportation service as described pursuant to subdivision (a) of Section 53075.5 of the Government Code* shall, additionally, obtain a periodic report from the department at least every 12 months. The employer shall verify that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of Section 23152

1 or 23153. The report shall be signed and dated by the employer
2 and maintained at the employer's principal place of business. The
3 report shall be presented upon demand, during regular business
4 hours, to an authorized representative of the Department of the
5 California Highway Patrol or to an authorized representative of
6 the administrative agency responsible for issuing permits to taxicab
7 transportation services pursuant to Section 53075.5 of the
8 Government Code.

9 (d) Upon the termination of a driver's employment, the employer
10 shall notify the department to discontinue the driver's enrollment
11 in the pull-notice system.

12 (e) For the purposes of the pull-notice system and periodic report
13 process required by subdivisions (b) and (c), an owner, other than
14 an owner-operator as defined in Section 34624, and an employer
15 who drives a vehicle described in subdivision (k) shall be enrolled
16 as if he or she were an employee. A family member and a volunteer
17 driver who drives a vehicle described in subdivision (k) shall also
18 be enrolled as if he or she were an employee.

19 (f) An employer who, after receiving a driving record pursuant
20 to this section, employs or continues to employ as a driver a person
21 against whom a disqualifying action has been taken regarding his
22 or her driving privilege or required driver's certificate, is guilty of
23 a public offense, and upon conviction thereof, shall be punished
24 by confinement in a county jail for not more than six months, by
25 a fine of not more than one thousand dollars (\$1,000), or by both
26 that confinement and fine.

27 (g) As part of its inspection of bus maintenance facilities and
28 terminals required at least once every 13 months pursuant to
29 subdivision (c) of Section 34501, the Department of the California
30 Highway Patrol shall determine whether each transit operator, as
31 defined in Section 99210 of the Public Utilities Code, is then in
32 compliance with this section and Section 12804.6, and shall certify
33 each operator found to be in compliance. Funds shall not be
34 allocated pursuant to Chapter 4 (commencing with Section 99200)
35 of Part 11 of Division 10 of the Public Utilities Code to a transit
36 operator that the Department of the California Highway Patrol has
37 not certified pursuant to this section.

38 (h) (1) A request to participate in the pull-notice system
39 established by this section shall be accompanied by a fee
40 determined by the department to be sufficient to defray the entire

1 actual cost to the department for the notification service. For the
2 receipt of subsequent reports, the employer shall also be charged
3 a fee established by the department pursuant to Section 1811. An
4 employer who qualifies pursuant to Section 1812 shall be exempt
5 from any fee required pursuant to this section. Failure to pay the
6 fee shall result in automatic cancellation of the employer's
7 participation in the notification services.

8 (2) A regularly organized fire department, having official
9 recognition of the city, county, city and county, or district in which
10 the department is located, shall participate in the pull-notice
11 program and shall not be subject to the fee established pursuant
12 to this subdivision.

13 (i) The department, as soon as feasible, may establish an
14 automatic procedure to provide the periodic reports to an employer
15 by mail or via an electronic delivery method, as required by
16 subdivision (c), on a regular basis without the need for individual
17 requests.

18 (j) (1) The employer of a driver who is employed as a casual
19 driver is not required to enter that driver's name in the pull-notice
20 system, as otherwise required by subdivision (a). However, the
21 employer of a casual driver shall be in possession of a report of
22 the driver's current public record as recorded by the department,
23 prior to allowing a casual driver to drive a vehicle specified in
24 subdivision (k). A report is current if it was issued less than six
25 months prior to the date the employer employs the driver.

26 (2) For the purposes of this subdivision, a driver is employed
27 as a casual driver when the employer has employed the driver less
28 than 30 days during the preceding six months. "Casual driver"
29 does not include a driver who operates a vehicle that requires a
30 passenger transportation endorsement.

31 (k) This section applies to a vehicle for the operation of which
32 the driver is required to have a class A or class B driver's license,
33 a class C license with a hazardous materials endorsement, a class
34 C license issued pursuant to Section 12814.7, or a certificate issued
35 pursuant to Section 12517, 12519, 12520, 12523, 12523.5, or
36 12527, or a passenger vehicle having a seating capacity of not
37 more than 10 persons, including the driver, operated for
38 compensation by a charter-party carrier of passengers or passenger
39 stage corporation pursuant to a certificate of public convenience

1 and necessity or a permit issued by the Public Utilities
2 Commission.

3 (l) This section shall not be construed to change the definition
4 of “employer,” “employee,” or “independent contractor” for any
5 purpose.

6 (m) A motor carrier who contracts with a person to drive a
7 vehicle described in subdivision (k) that is owned by, or leased to,
8 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
9 (f), (j), (k), and (l) and the employer obligations in those
10 subdivisions.

O